

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 14326 of 2006(E)

PETITIONER:

COCHIN CO-OPERATIVE SOCIETY LTD.NO.E.100
LALAN ROAD, COCHIN-2,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.A.JAYASANKAR
SRI.MANU GOVIND

RESPONDENTS:

1. KERALA STATE CO-OPERATIVE EMPLOYEES
PENSION BOARD,
CHETTIKULANGARA, THIRUVANANTHAPURAM-695 001,
REP. BY ITS SECRETARY.
2. JOINT REGISTRAR OF CO-OP. SOCIETIES,
ERNAKULAM, CHITTOOR ROAD, KOCHI-18.
3. M.N.DIVAKARAN,
RL/1958, 40 ROOMS,
CHAKKAMADAM, COCHIN-2.

BY ADV. SRI.M.S.UNNIKRISHNAN FOR R3
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN FOR R2
ADV.SRI.V.G.ARUN FOR R1.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1 COPY OF LETTER DTD. 15-09-01 FROM THE FIRST RESPONDENT TO THE PETITIONER.
- EXT.P2 COPY OF OBJECTION DTD. 14-08-03 FILED BY PETITIONER BEFORE FIRST RESPONDENT.
- EXT.P3 TRUE COPY OF ORDER DTD. 03/09/03 PASSED BY R1.
- EXT.P4 COPY OF JUDGMENT DTD. 14-10-05 IN W.P.C.NO.33094/03
- EXT.P5 COPY OF STATEMENT FILED BY PETITIONER BEFORE R2.
- EXT.P6 COPY OF ORDER DTD. 03-01-06 ISSUED BY R2.
- EXT.P7 COPY OF PROCEEDINGS DTD. 21-04-06 OF FIRST RESPONDENT.
- EXT.P8 COPY OF DEMAND NOTICE DTD. 26-04-06 ISSUED BY R1.

RESPONDENT'S EXHIBITS

- EXT.R3(A) TRUE COPY OF ORDER DTD. 4-1-1988 OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES.
- EXT.R3(B) TRUE COPY OF ORDER DTD. 10-10-2000 OF THE ASSISTANT REGISTRAR.
- EXT.R3(C) TRUE COPY OF LETTER DTD. 9-6-99 ISSUED BY FIRST RESPONDENT TO THE JOINT REGISTRAR, CO-OPERATIVE SOCIETIES, ERNAKULAM.
- EXT.R3(D) TRUE COPY OF LETTER DTD. 31-5-99 ISSUED BY THE PETITIONER TO THE THIRD RESPONDENT.

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(c).No.14326 OF 2006

Dated this the 28th day of September , 2007

JUDGMENT

Petitioner challenges Ext.P6. Ext.P6 is an order passed by the Joint Registrar pursuant to the direction of this court in Ext.P4 judgment. The main contention raised by the petitioner is that the authority under Section 69 alone has jurisdiction to deal with the matter and he relies on the decision reported in **Ravindran.P.S. v. State of Kerala** (2007(3) ILR 241).

I heard learned counsel for the respondent also. I feel that the impugned order cannot be sustained in view of the lack of jurisdiction in the light of the aforesaid Division Bench judgment. Accordingly Ext.P6 is quashed and the second respondent will refer the matter which is the subject matter of Ext.P6 to the authority under Section 69 of the Co-operative Societies Act within a period of one week from the date of receipt of a copy of this judgment. The authority under Section 69 will issue notice to the petitioner and the third respondent and take a decision in accordance with law with full opportunity to the parties within a period of two months from the date of receipt of the matter from the second respondent.

(K.M.JOSEPH, JUDGE)

SV.

